

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JOHNATHAN AND TRUDE YARGER,  
a married couple,

Plaintiff,

v.

ING BANK, FSB D/B/A/ ING DIRECT,

Defendant.

Civil Action No.: 1:11-cv-00154-LPS

**PROPOSED ORDER APPROVING PROPOSED NOTICE TO THE CLASS**

WHEREAS, the Court entered an Order on August 27, 2012 granting in part and denying in part, Plaintiffs' Motion for Class Certification (D.I. 44);

WHEREAS, the Class Representatives have moved for an Order approving a proposed notice program (the "Notice") as the best practicable notice to the Class as required by Rule 23(c)(2)(B);

**IT IS HEREBY ORDERED:**

1. Plaintiffs' Unopposed Motion For Approval Of Proposed Forms Of Notice To The Class is GRANTED.

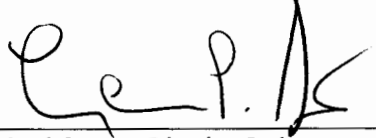
2. The Court approves the form, substance and requirements of the Notice, and finds that the procedures established for publication, mailing and distribution of such Notice, substantially in the manner and form set forth in ¶ 3 of this Order constitute the best notice practicable under the circumstances and are in full compliance with the notice requirements of due process and Fed. R. Civ. P. 23.

3. Class Counsel shall cause the Notice, substantially in the form annexed hereto as Exhibit A, to be mailed, by first class mail, postage prepaid, on or before Mar 29, 2013,

to all Class members at the address of each such person as set forth in the records of ING Bank, fsb, or who otherwise can be identified by reasonable effort. Similarly, Class Counsel shall also cause an e-mail to issue to Class members (using the e-mail addresses set forth in the records of ING Bank, fsb) in the form annexed hereto as Exhibit B. Both forms of notice shall direct Class Members to a website, [www.raterenewclassaction.com](http://www.raterenewclassaction.com), which will contain a longer form of notice to the class, substantially in the form annexed hereto as Exhibit C. Class Counsel shall, no later than 15 days after the mailing, file with the Court proof of mailing of the Notice.

4. All members of the Class who do not timely request exclusion from the Class by May 31, 2013, in the form and manner set forth in the Notice, will be bound by any judgment or determination of the Court affecting the Class.

SO ORDERED this 5<sup>th</sup> day of March, 2013.

  
United States District Judge